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ABSTRACT

Intended to increase the awareness of school board members to new developments in special education, the handbook focuses on the mandates of federal and California state laws and regulations on the education of handicapped persons. The history and background of P.L. 94-142 (the Education for All Handicapped Children Act) and AB 1250 (California special education law) are traced. Four issues and their implications (finance, procedural due process, individualized education programs, and least restrictive environment) are discussed. Sample policies regarding community relations, personnel, instruction, and evaluation aspects are considered. A final section lists additional sources of information about special education. Among four appendixes are outlines of proposed procedures for selection of surrogate parents and development of individualized education programs. (CL)

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Special Education Handbook For School Board Members

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This Handbook has been developed under the direction of . . .

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FOREWORD

The California School Boards Association (CSBA) has produced this handbook under the specific direction of the CSBA Special Education Task Force, to assist district and county board members to understand some of the complexities involved in the implementation of P.L. 94-142, AB-1250, federal and state special education regulations, and Section 504 of the Rehabilitation Act of 1973.

Members of the Task Force have studied and deliberated all phases of special education for several months. The Task Force is unanimous in advocating a strong program for the handicapped children. Sample policies for both Master Plan and non-Master Plan districts are included in this booklet. District and county boards, as well as Responsible Local Agencies (RLA's), may wish to use these sample policies as a basis for developing their own local policies.

This handbook is a primer - but it will help board members to understand their role and possible new priorities for action.

I urge each board member to read the document carefully, seek further information, and take appropriate action at the policy level.

Although it is not customary to mention the staff consultant by name, I am sure that the Task Force will join me in expressing our gratitude to Edmund Lewis. We would also express our appreciation to two other persons whose opinions and suggestions were extremely helpful in the writing of this handbook; namely, Dr. Harriet F. Danford, L.A. County Office of Superintendent of Schools and Dr. Mary Hopper, California State Department of Education.

In addition, we are indebted to Dr. Gale Glenn, Butte County office of Education; Dr. Henry Warnken, Mt. Diablo Unified School District; and Stanley Norton, Simi Valley Unified School District; for reviewing this document for errors and omissions.

Dr. Daniel Towler, Chairman
CSBA Special Education Task Force

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PURPOSE OF HANDBOOK

This handbook has been developed by the CSBA Special Education Task Force to increase the awareness of board members to new developments in special education. It focuses attention on the mandates of federal and state laws and regulations on special education; with emphasis on P.L. 94-142 and AB-1250. Board members will need a frame of reference to understand and live within the requirements of the law.

While the handbook provides a brief history, legal background, issues and additional sources of information about special education, the main thrust of this document is action-oriented. Therefore, the following recommendation is made:

RECOMMENDATION: Each board is urged to place the sample policies (See Part III) on the agenda for discussions, possible modification to meet local needs, and finally adoption of policies — if your district or county board has not already done so.



**Part 1 .
The Quiet
Revolution**

THE QUIET REVOLUTION

"IT IS THE PURPOSE OF THIS ACT TO ASSURE THAT ALL HANDICAPPED CHILDREN HAVE AVAILABLE TO THEM . . . A FREE APPROPRIATE PUBLIC EDUCATION WHICH EMPHASIZES SPECIAL EDUCATION AND RELATED SERVICES DESIGNED TO MEET THEIR UNIQUE NEEDS, TO ASSURE THAT THE RIGHTS OF HANDICAPPED CHILDREN AND THEIR PARENTS ARE PROTECTED, TO ASSIST STATES AND LOCALITIES TO PROVIDE FOR THE EDUCATION OF ALL HANDICAPPED CHILDREN, AND TO ASSESS AND ASSURE THE EFFECTIVENESS OF EFFORTS TO EDUCATE HANDICAPPED CHILDREN."

The United States Congress:
The Education for All Handicapped
Children Act of 1975. P.L. 94-142

At this time few people realize that the California Master Plan for Special Education was the result of a mandate to the State Department of Education by the State Legislature. The mandate came as a result of different interest groups opposing one another when special education legislation was proposed. In essence, the Legislature decided that special education had already spent hundreds of millions of dollars and yet was unable to tell what had been done with the money, what the programs were attempting to do and how the programs related to regular education. No more legislation would be passed until all of this was clearly defined.

As a result of this mandate, public hearings were held throughout the State and people from all walks of life with various interests provided both written and verbal input. The State Department of Education synthesized this input and developed the first draft of the State Master Plan. This plan was publicly reviewed by the newly appointed Commission on Special Education and several subsequent revised plans were written. Eventually, the Commission recommended a plan to the State Board and it was approved. This plan resulted in AB 4040 (1974), which provided for an experimental model to be implemented in no more than 10 school agencies for a period of four (4) years.

The basic concepts contained in AB 4040 were:

1. Services provided on a basis of individual needs rather than categories.
2. A comprehensive plan written at the local level which allowed operating agencies to organize their programs according to local conditions.
3. Funding based on services provided rather than on types of handicaps.
4. Two levels of assessment to insure that service to children with minimal needs would not be delayed by a long placement process.
5. A full range of special education services (comprehensive).
6. Services provided to each child which were the least restrictive in terms of the child's particular needs.

During the four year experimental period, the federal government passed Public Law 94-142, *The Education for All Handicapped Children Act*, (1975). This act was essentially a civil rights act but was unique in that money was provided to the State to carry out the mandates it imposed.

Some of the important concepts contained in this legislation are:

1. A free appropriate education for all handicapped children, ages 3 to 21.
2. A state plan that would describe how California would comply with the federal requirements.
3. A local comprehensive plan describing how local operating agencies would comply with the state plan in meeting federal regulations.

It was obvious that with some minor modifications the state experimental model could be extended and expanded to meet all of the federal mandates. The timing was excellent because AB 4040 was about to expire and new legislation was required in order to continue the master plan model. In 1977, AB 1250, Chapter 1247, was enacted and included in it were most of the requirements contained in the federal legislation. Those that were missed were later included in AB 3635 (1978), Chapter 402. Now, the Master Plan provides for all of the requirements in the federal legislation and further, establishes a delivery system to make it possible.

Landmark Court Cases

Public Law 94-142 is often called a Civil Rights Act for handicapped children. The handicapped are, in many ways, America's last great minority. The enactment of P.L. 94-142 represented the culmination of a long battle by the parents of handicapped children to gain the right that many other children gain at birth — the right to an education.

The United States Congress, with the passage of Public Law 94-142, estimated that there are eight million children in the United States who have mental, physical, emotional, or learning handicaps.¹ Many children are excluded or suspended from school, transferred, reassigned, inappropriately placed, or denied special help. Many others have been placed on waiting lists for special education classes and, thus, have had their education indefinitely "postponed".

Exclusion from school has been based upon many grounds: that a child is emotionally disturbed, is mentally retarded or hyperactive, is a discipline problem, has some behavioral deficit (such as lacking language or not be toilet trained), or is unable to "pass" a standardized test.²

The concepts that P.L. 94-142 are founded upon are not new: P.L. 94-142 is rooted in the 5th and 14th Amendments which guarantee due process protection of individual rights. The first time the due process concept applied to education was in *Brown vs. the Board of Education*³ which declared that no individual could survive in society if they were denied the right to an education; the language of the law, "free and appropriate," dates from the period between 1910 and 1930 during the struggle to include vocational education in schools. P.L. 94-142 is part of the Right to Education movement, strongly supported by the parents of the handicapped.

There are two landmark cases in the area of right to educate: *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania*, 1972, and *Mills v. Board of Education of the District of Columbia*, 1972. The PARC case was decided on October 7, 1971. A three-judge federal court, following a consent agreement by the parties, ordered that all mentally retarded children in Pennsylvania "be given access to a free public program of education appropriate to their learning capacities." The Mills case was a class action suit. The plaintiffs were school age children "who had been denied placement in a publicly-supported educational program for substantial periods of time."

Both the PARC and Mills cases found that total exclusion of handicapped children violates the equal protection clause of the Fifth and Fourteenth Amendments.

Judge Waddy in the Mills case held that having insufficient funds does not excuse the defendants' duty to provide an education for handicapped children. Judge Waddy states, "If sufficient funds are not available to finance all of the services and programs that are needed in the (school) system, then the available funds must be expended equitable in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit therefrom."

For many children, I.Q. tests may not accurately reflect their learning ability. Several successful suits have challenged the use of testing instruments (e.g. I.Q. tests) to place children in special education classes. In California, *Diana v. State Board of Education*, 1970, involved Spanish-speaking children who claimed they had been improperly placed in classes for the retarded on the basis of inaccurate tests. A consent decree was agreed upon which required that non-English speaking children be tested in both their primary language and in English and, that the tests must not depend upon such things as vocabulary, general information, or any other unfair verbal question. Further, it was specified in the consent decree that all Chinese and Mexican-American children in classes for the retarded were to be retested.

In another landmark case, *Hobson v. Hansen*, 1967, the court ruled that the "tracking" system of educational placement used in Washington, D.C. public schools was illegal. The plaintiffs used the argument that the testing procedures used for placement were prejudicial: on the basis of these test scores, children were placed in honors, general, or special (educable mentally retarded) curriculum classes. The judge found that there were disproportionate numbers of black children in the special classes and attributed this to cultural bias of the test. In addition, there were infrequent retests, so a student could easily become locked into a certain track. The court, using the equal protection clause,

held that the tracking system and its testing procedures "irrationally separated students on the basis of race and socioeconomic background and thereby violated their right to an equal educational opportunity."

The court reached a similar decision in *Larry P. v. Riles*, 1972 (still pending), stating that I.Q. tests were "suspect" and the school must show a rational relationship between the testing apparatus and the ability to learn. When the children in this case were retested by personnel who rephrased the questions, the plaintiffs were not classified as retarded. The fact that a disproportionate number of children of a particular race are in special classes does not necessarily establish a lack of equal protection, but does put a burden on the state to show the tests used for placement were not discriminatory.

Courts have also ruled that children in institutions have a right to education. In *Wyatt v. Stickney*, 1973, a right-to-treatment case involving three Alabama institutions, the court ruled that:

"Residents shall have a right to receive suitable educational services regardless of chronological age, degree of retardation or accompanying disabilities or handicaps . . . school ages residents shall be provided with a full and suitable educational program and such programs shall meet prescribed minimal standards."

Similar suits appeared in almost every state by 1972.⁴ The parents of handicapped children and their advocacy won every one. State legislature — partly to comply with the court orders and partly at their own initiative — began passing comprehensive laws to guarantee and fund an education for all handicapped children.⁵

Court decisions on special education have had and will continue to have massive impact on special education law (See Appendix B). Five major principles of special education law established by court decisions are:

1. Zero Reject — no handicapped child may be excluded from a free appropriate public education.
2. Non-discriminatory Evaluation — every handicapped child must be fairly assessed so that he or she may be properly placed and served in the public schools.
3. Appropriate Education — every handicapped child must be given an education that is meaningful to the child, taking the child's handicaps into consideration.
4. Least Restrictive Placement — a handicapped child may not be segregated inappropriately from the child's non-handicapped school mates.
5. Procedural Due Process — each handicapped child and parent has the right to protest a school's decision about the child's education.

The federal role, up to 1972, had been largely limited to funding exemplary projects and helping colleges train special teachers for the handicapped. By 1975, the handicapped education bill came to the floor of the Senate and the House. It passed overwhelmingly. Senator Harrison Williams, co-author of Senate Bill 6 (P.L. 94-142), said the legislation was not only a "civil rights bill for the handicapped, but could also lead a rebirth of American education."

While few, if any would quarrel with the intent of the law, many persons have serious doubts as to whether school systems can comply with the mandate that Congress has prescribed. This mandate is costly. It requires adjustment in school staffing, facilities and administration. Some have said that American education has moved from the era of "education for all" to "education for each." Nowhere is that subtle distinction more evident than in making the commitment that each child, no matter which disability he or she may have, will receive a full education and an opportunity to lead a healthy and productive life.

Law reform through the courts and legislatures can only partially satisfy the claims of handicapped children to a free, appropriate education; political action, appropriations, and adequate preservice and inservice training are necessary adjuncts.

NOTE: A complete glossary of special education words and phrases may be found in Appendix A — Glossary.

Footnotes

¹Public Law 94-142, Education for All Handicapped Children Act of 1975, November 29, 1975.

²Weintraub, F.J. and A.R. Abeson, In Symposium: The legal rights of the mentally retarded. *Syracuse Law Review* 23, 2972, 1003.

³*Brown vs. Board of Education, Topeka* (1954).

⁴In California, *Larry P. vs. Riles* (N.D. Cal-1972). *Diana vs. State Board of Education* (N.D. Cal-1970): (Schools cannot use tests that do not properly account for the cultural background of the children tested).

⁵California: The California Master Plan for Special Education, enacted as a pilot program (Chapter 1532, Statutes of 1974); California's response to P.L. 94-142, Chapter 1247, Statutes of 1977.

Part 2 Issues



ISSUES

Many questions have already emerged relating to special education, and more are likely to develop. This handbook will not provide a comprehensive list of issues, but will attempt to cover the most significant ones. Four issues and their implications will be examined in order that board members will have an opportunity to explore some of the far-reaching consequences of the state and federal special education laws.

1. *Finance.* The federal government placed real importance on P.L. 94-142, the Education for All Handicapped Children Act, marking a significant milestone in the nation's effort to provide "free and appropriate educational services for all handicapped persons." To emphasize the importance of the program, Congress provided annual entitlements starting with \$378 million in fiscal year 1978, growing to \$3.16 billion in fiscal year 1982.

Unfortunately, Congress has not lived up to its promise as the appropriate funds have not come anywhere close to the entitlement levels. This has caused major problems in many states and districts which had depended on this revenue to meet the dictates of the federal laws.

The State of California followed up on its own commitment to special education and the dictates of P.L. 94-142 and established the Master Plan for Special Education, AB-1250 in 1977. The state established funding levels and a phase-in plan for all districts, based on the state's funding ability in conjunction with the promised federal funds. Now that there is a major reduction in federal funds and reduced state funds due to Proposition 13, there is a major problem. Districts are faced with federal and state requirements with insufficient special education funding. The choice is either not to comply with the law or divert general education funds to the special education programs.

The costs for special education have been increased significantly, due to the added requirements at both state and federal levels. Examples of these requirements and related functions include:

1. individual assessments to identify students eligible for special education resources
2. development of individualized education plans (IEP)
3. implementing IEP's
4. conducting fair hearing panels
5. inservice training
6. state and federal monitor and review systems
7. decreased class size requested when special education students mainstreamed into regular classroom
8. additional aides and support staff
9. law suits against district staffs and board members

Just to make matters worse, the Federal Rehabilitation Act of 1973, Section 504, requires the removal of architectural barriers. This includes identifying the physical obstacles which limit access, indicating methods of corrections and completing these corrections by June, 1980. The federal government has never provided any funds for these requirements, but is still holding to the deadlines.

Other than the above requirements, local educational agencies must provide the handicapped with access to educational programs, assurance of an appropriate education, and equal employment opportunities. The requirements are great, the money insufficient, and the moral issue inescapable.

2. *Procedural Due Process.* Priorities under P.L. 94-142 must be given to *unserved children* and to *severely handicapped youngsters* who are not receiving adequate services. In order to meet the former, California instituted a "Search and Serve" program (see CSBA "Curriculum Update No. 25," date December 10, 1976 for further details.) When an Individual with Exceptional Needs (handicapped person) has been identified, he/she is referred to the school district. Board policies to ensure that this process is followed are essential. The rights of the Individual with Exceptional Needs and the parent(s) or guardian include, but are not limited to:

- An opportunity to examine all relevant records regarding identification, evaluation and educational placement of the child;
- Appointment of a parent surrogate in cases where the child is a ward of the state or the natural parents are either unknown or unavailable (See Appendix C for process);
- Written notice of identification, assessment or placement of the child in an educational

program, including the right to be notified in the primary language or other mode of communication of the home. (See Appendix D for process and timelines.)

- An opportunity to participate in the development of an IEP.
- An opportunity for any individual, public agency or organization to file a written complaint.
- The opportunity for the parent or guardian to request a Fair Hearing, including an administrative review. At such hearings the parent or guardian has the right to be represented by counsel, to present evidence, to cross-examine and compel the attendance of witnesses, and to receive a statement of factual findings and decisions. If the parent or guardian is dissatisfied with the decision of the Fair Hearing Panel, he or she may appeal the decision to the State Superintendent of Public Instruction and eventually may bring a civil court action. Board policies to ensure that this process is followed in a timely manner are also advisable.

It should be clear to all persons involved with special education that "individual protections" or "due process safeguards" could involve a myriad of problems. Inservice training of all school personnel on Due Process Procedures must be addressed. The time for training employees on legal procedures and the time it takes employees to insure procedural rights may become concerns of school district and county offices.

Parent education is also essential to enhance a parent/school partnership. Many parents have professional advocates with legal backgrounds to enforce parents' and students' rights.

3. *Individualized Education Program (IEP)*. For years educational literature has stressed the need for individualizing the educational program for each child. Now, in special education, federal and state law require each local educational agency to develop, or to review at least annually, whichever is appropriate, an individualized education program for every Individual with Exceptional Needs at the beginning of the school year.

The definition of Individualized Education Program (IEP) in AB-1250 incorporates the mandates of P.L. 94-142 and adds additional elements and may help clarify the magnitude of the issues arising from the mandate to have an IEP. CAC Title 5, Section 3106.5 (MPSE) and 3306, Ind. Protections of the Education Code, reads:

- "(a) The individualized education program shall be a written statement determined in a meeting of a school appraisal team or educational assessment service team which shall include:
- (1) the present levels of the individual's present levels of educational functioning;
 - (2) a statement of annual goals including short-term objectives;
 - (3) the specific special educational programs and services required by the pupil and the extent the pupil will be able to participate in regular educational programs;
 - (4) the projected date for initiation and anticipated duration of such programs and services; and
 - (5) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved."

The individualized education program shall include provisions for the transition into the regular class program if the pupil is to be transferred from a special day class or center or nonpublic school into a regular class in a public school.

- (b) In addition to the long-range goals and annual objectives included in the pupil's individualized educational program, the special education teachers or specialists of the pupil shall develop and periodically review and revise the pupil's written short-term objectives.
- (c) A secondary grade level pupil's individualized education program shall also include any alternative means and modes necessary for the pupil to complete the district's prescribed course of study and meet or exceed proficiency standards for graduation, in accordance with Sections 51225 and 51225.5.
- (d) In the case of limited-English-speaking and non-English-speaking individuals, the individualized education program should provide for linguistically appropriate goals, objectives, programs, and services.
- (e) Extended school year services when needed, as determined by the School Appraisal Team or Educational Assessment Service, shall be documented in the individualized education program.

- (f) Specially designed physical education program and specially designed vocational education programs, when needed, shall be documented in the individualized education program.

The need for additional administrative and other personnel time, the lack of clear eligibility criteria, the lack of definition of "related services," "appropriate," and "needs," frustrations of parents and staff, and the state monitoring of the process are all areas of concern. The development/revision of the IEP is a major issue. Some questions that boards may face are:

1. What policies and procedures are necessary to ensure compliance with state and federal law?
2. Has your board adopted differential standards for graduation?
3. What other agencies or organizations should be involved with the school district in developing/revising and IEP?
4. Which agencies will pay for which "related services?"
5. What provisions has the board made to communicate with Limited-English-Speaking and Non-English-Speaking (LES/NES) parents and students?
6. What is the role of the parent in the development of the IEP?

4. *Least Restrictive Environment (LRE)*. Integration or mainstreaming is a belief which involves an educational placement procedure and process for Individuals with Exceptional Needs. It is based on the premise that each child should be educated in the least restrictive environment in which educational and related needs can be satisfactorily provided.

A simple definition is:

Least Restrictive Environment - An educational placement for each exceptional child made as close to the regular class setting as is appropriately determined on an individual need basis. P.L. 94-142 Rules and Regulations, Section 121a.550(b) (1), states "that to the maximum extent appropriate, handicapped children, including children in public or private institutions, or other care facilities are educated with children who are not handicapped and (2), that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The supplementary services may be resource rooms, itinerant instruction, or other appropriate means that meet the needs of the child.

Section 121a.553 requires each handicapped child to participate to the maximum extent appropriate in non-academic and extra-curricular services including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, and special interest groups.

AB-1250, Section 56301, (f), states, "Individuals with exceptional needs are offered special assistance in a program, which promotes maximum interaction with the general school population in a manner which is appropriate to the needs of both."

The implications for school boards and staff necessitates a change in attitude and practice for those who have not paid close attention to Special Education in the past. P.L. 94-142 is not only a milestone in Special Education, it is the culmination of years of effort, court cases, and piecemeal legislation that has finally resulted in a "Magna Carta for Handicapped Children on a national basis."

District and county boards may wish to consider:

- (1) The need for inservice programs for general education teachers and administrators, parents and students related to Individuals with Exceptional Needs;
- (2) The establishment of the positive climate needed to successfully integrate Individuals with Exceptional Needs into the general education classroom;
- (3) The cooperation and communication necessary between Special Education and General Education Staff.

Finance, procedural due process, individualized educational programs, and least restrictive environment — all relating to Special Education — are priority areas for board members' consideration.

Emerging Issues In Special Education

There are other issues that are beginning to emerge — issues which boards will undoubtedly have to address in the near future. The CSBA Special Education Task Force has identified as potential critical issues:

1. Governance
2. Finance
3. Setting Differential Proficiency Standards
4. The Use of Aversive Procedures in Public Education

A brief description of each follows.

1 - Governance

The governance of Special Education Service Regions is an issue that will be sharply debated during the coming years. The issue is complex and has been especially troublesome throughout the history of Special Education as operated in the county offices of education. Current language in the Master Plan legislation states that district school boards have authority over programs they maintain, but must act in accordance with policies set forth by the Superintendents' Council. It is this qualifier which has sparked a mounting controversy over the governance issue for district and county boards, and led to questions about the policy-making roles and regionalization.

The role of governance with specific emphasis on the policy-making function has traditionally been the responsibility of the governing board. Responsible governance has always been an enterprise coupled with authority. The issue of governance in current Master Plan legislation raises again the question of "accountability," "public confidence," and "local control." There are no easy answers, but there are fundamental and long standing precedents that need to be re-examined and reckoned with.

2 - Finance

The issue is that neither the state nor the federal government have fulfilled their projected funding, and this may become a continuing problem, depending upon how the state and federal legislative bodies allocate the funds for Special Education. In addition, since funding will differ for Master Plan school districts versus school districts providing special education services under traditional organization, it is necessary to present funding models for each type of organization.

Master Plan. The county offices typically operate classes for the most severely handicapped and as such are the highest cost programs. This, along with the county office inability to supplement since there is no general fund per se, usually means that the county programs are funded directly and completely with Master Plan funds. The remaining funds are then distributed to districts based upon some formula developed by the service region. If there is no county office involved, the funds may be distributed in the same manner to all districts. In both cases, the RLA administrator may allocate the required funds for the overall region management prior to any distribution to the LEA's.

The total funds to be received by any Master Plan service region for 1979-80 is the number of unduplicated counties to be served by all the agencies involved, times \$2,296 established in AB-8. These funds will come from the following:

1. P.L. 94-142
2. AB-1250
3. District revenue limit for ADA generated in special day classes and non-public school placements
4. Added state funds in AB-8

Traditional. The traditional funding will continue to be based on allocations for particular kinds of special education programs. There is a significant difference between districts and county offices.

The funding for districts will include:

1. categorical funds increased by 6% for specific categories of special education programs, based on classes or ADA served
2. district revenue limit for ADA generated by special education classes
3. P.L. 94-142 allocations
4. supplements from district general education funds

The funding for county offices is based on the revenue limits for special education programs

established with the original SB 90 in 1973. These limits have been increased each year by inflation amounts similar to districts with a 10% reduction last year due to Proposition 13. In 1978, AB-8 increased the 1979 amount by 8.6%. The funding for these revenue limits, based on the number of classes or ADA served, includes:

1. categorical funds similar to district allocations
2. property taxes previously levied for special education, reduced by Proposition 13 and AB-8
3. added state funds to reach the limits

The funds received under these limits are restricted and must be spent for special education. In the past they were fairly narrow, but under AB-8 have been put into broad categories much like master plan funding.

Without adequate federal and state funding, boards may be forced to use funds from other educational programs in order to comply with the law. Most special education programs at the present time are clearly underfunded by the state and federal governments.

2 - Setting Differential Proficiency Standards

A key feature of California's pupil proficiency law is the requirement that the adoption of proficiency standards and assessment measures be the responsibility of each school district's governing board. However, the Legislature recognized that a single local standard of proficiency might not be appropriate for all pupils and allowed for the establishing of differential standards for Individuals with Exceptional Needs. AB-2043 clarified for whom such standards may be set: those individuals enrolled in Special Education programs and those diagnosed Learning Disabled; differential standards must be reflected in the Individual Education Program (IEP). In random interviews, the State Department of Education has learned (1) that some of the difficulties involved in the setting of Differential Standards are confusion over the meaning of the law; (2) that with the impact of Proposition 13, the setting of regular standards was set aside in many districts; (3) that the lack of administrative coordination in some districts between Special Education and General Education staff has caused a lack of understanding of Special Education needs. These elements and the feeling on the part of district administration to set measurable, defensible standards for a wide variety of Special Education handicaps and students must be addressed.

3 - The Use of Aversive Procedures In Public Education

Public Law 94-142 requires public education to educate all handicapped children. Thus, many California districts and county offices of education are educating children with severe handicaps, many of whom have not previously been in a public school setting i.e. severely emotionally disturbed. Assembly Bill 1250 requires that guidelines in the use of aversive procedures be developed by the State Department of Education. A proposed current definition of aversive procedures as "an intervention upon an individual which represents a consequence perceived by that individual as negative and is used to decrease or eliminate maladaptive behavior and, intended to decrease a behavior through either the presentation of a stimulus or event which the person will ordinarily act to avoid, or the contingent removal of a stimulus or event which the person will ordinarily act to maintain." Aversive procedures are part of a total behavior modification program using negative reinforcement procedures.

It should be obvious that board members need to become familiar with the requirements for special education and take appropriate action. Policies and procedures must be established that will enable the district and county office personnel to carry out their duties and responsibilities under the law.

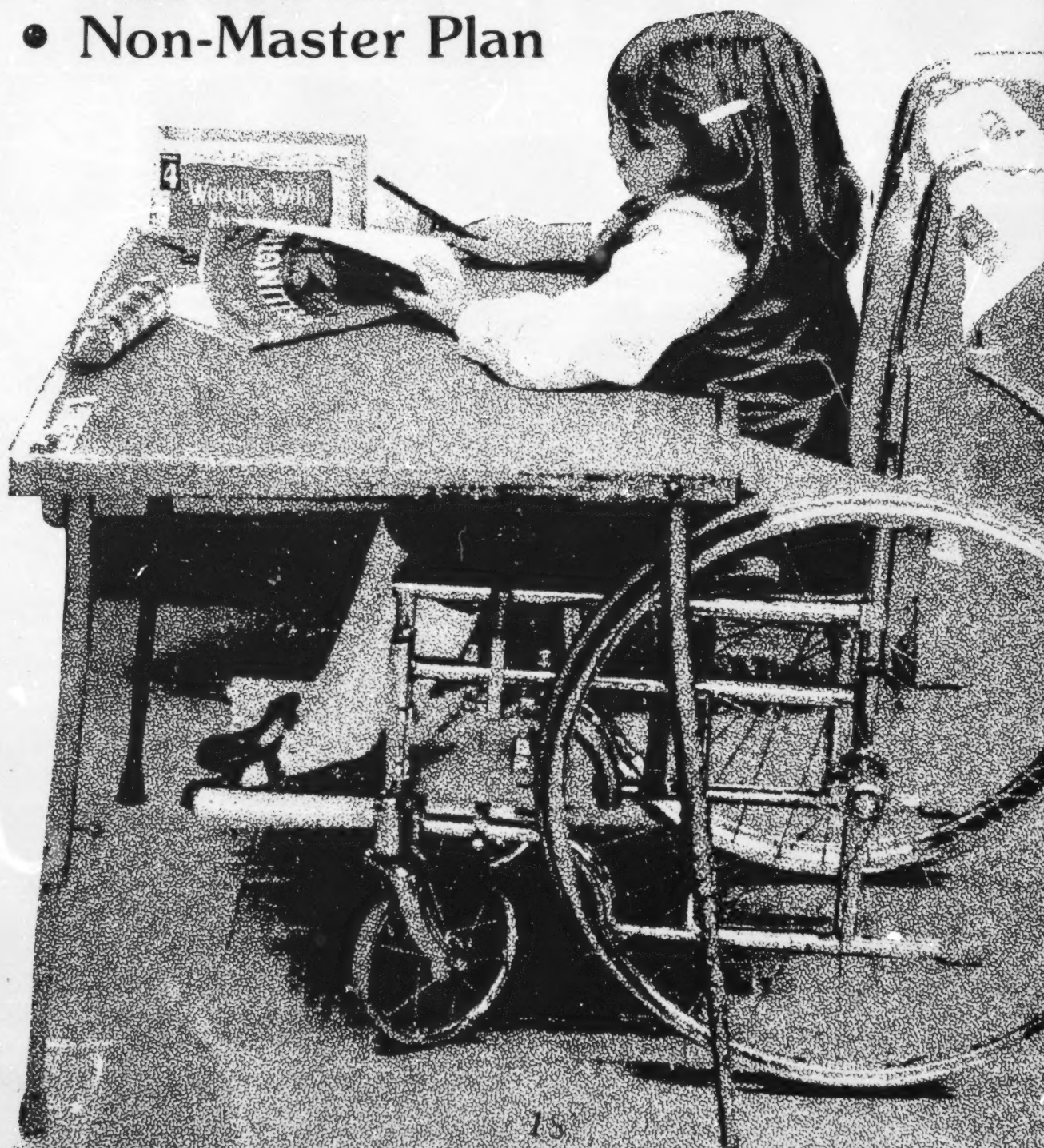
Sample policies for district and county board consideration are in Part III.

RECOMMENDATION: Each board is urged to place these sample policies on the agenda for discussion, possible modification to meet local needs, and finally adoption of policies — if your district or county office has not already done so.

Part 3

Sample Policies

- Master Plan
- Non-Master Plan



Master Plan Policies

Philosophy-Goals-Objectives-Comprehensive Plans

0430

Comprehensive Local Plan for Special Education

The governing board has approved a comprehensive local plan for the education of individuals with exceptional needs, containing the regulations, procedures and conditions which will govern the education of individuals with exceptional needs residing within the district. The comprehensive local plan may be inspected at the office of the superintendent of schools and at other designated locations.

OR

The governing board has approved the comprehensive local plan for the education of individuals with exceptional needs which was developed by the Special Education Service Region (SESR) with the office of the county superintendent of schools serving as the responsible local agency (RLA). The board accepts the regulations and procedures specified in the comprehensive local plan as its own, and directs the superintendent to see that they are properly implemented in the district.

All phases of the education of individuals with exceptional needs are outlined in the comprehensive local plan, which may be inspected at the office of the county superintendent of schools, or at the school district office.

Cross references to the comprehensive local plan for the education of individuals with exceptional needs which are found in the manual:

- 1221.1 Citizens' Advisory Committee: Individuals with Exceptional Needs (for districts with own comprehensive plan)
- 1312.1 Complaints Concerning Categorically Funded Programs (Master Plan)
- 1420 County and Intermediate Units: Special Education Service Region
- 4131.32/4231.3 Staff Development Programs — Special Education
- 5122 Assignment to Teachers and Classes
- 5125/5125.1 Student Records/Confidentiality
- 5145.7 Due Process: Education for Children with Exceptional Needs
- 6146 Graduation/Standards of Proficiency
- 6159 Individualized Education Programs
- 6164.4 Identification of Individuals with Exceptional Needs
- 6171 Special Education
- 6182 Evaluation of Special Education Programs

Policy
adopted:

Master Plan

Community Relations

1221.1

Citizens' Advisory Committees: Individuals with Exceptional Needs

The governing board herewith establishes a community advisory committee with at least the following responsibilities, and such other responsibilities as may be stated in the district's comprehensive plan for individuals with exceptional needs:

1. Advising the administration of the district regarding the development of the district's comprehensive plan, and the review of programs under the plan.
2. Making recommendations on annual priorities to be addressed under the plan
3. Assisting in parent education and in recruiting parents and other volunteers who may contribute to the implementation of the plan.
4. Encouraging public involvement in the development and review of the district's comprehensive plan
5. Acting in support of individuals with exceptional needs

Members of this committee shall be appointed under procedures specified in the comprehensive plan, and members shall be parents of individuals with exceptional needs enrolled in public or private, nonsectarian schools, individuals with exceptional needs enrolled in special education programs, parents of other students enrolled in school, regular classroom teachers, special education teachers, other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. At least a majority of the members of the committee shall be parents of pupils enrolled in schools within district boundaries, and at least a majority of the parents shall be parents of individuals with exceptional needs.

Legal Reference: Education Code

56330 (r) Community advisory committee (comprehensive plan)

(This policy relates to school districts which serve as the Local Responsible Agency, not districts which are in a cooperative plan with other districts and/or the county superintendent of schools)

Policy

adopted:

Master plan

Community Relations

1312.1

Complaints Concerning Categorically Funded Programs

Any person, including any parent of a pupil enrolled in a federally or state funded categorical program, may file a complaint alleging a violation of law, policy or regulation governing such program. The procedure for handling any such complaint shall be the procedure detailed in the Administrative Code, Title 5, section 3125, Alternate 1 (SESR districts) or Alternative 2 (Non-SESR districts)

A copy of the appropriate alternative for filing a complaint shall be given to any interested person.

The superintendent is directed to notify citizens annually of their right to file a complaint under this policy, and their right to an informal review and hearing regarding the complaint and the procedures for implementation.

Legal Reference: Administrative Code, Title 5

3125 Complaint Procedure (Master Plan)

3948 Complaint Procedure (Consolidated Categorical Aid Programs)

Code of Federal Regulations, Title 45, Chapter 1

116.7

121a.602 Adoption of complaint procedure

Policy

adopted:

Master plan

Community Relations

1420

County and Intermediate Units

Special Education Service Region (SESR)

The governing board agrees to participate in development and implementation of a local comprehensive plan for providing educational and related services to individuals with exceptional needs in cooperation with the office of the county superintendent of schools and other school districts, forming the Special Education Service Region.

The office of the county superintendent of schools shall serve as the responsible local agency (RLA) for the Special Education Service Region.

The governing board will appoint representatives to the community advisory committee to the responsible local agency according to the approved local comprehensive plan. Such representatives shall be responsible to the school district and county governing boards participating in the local comprehensive plan.

Legal Reference: Education Code

56330 Local comprehensive plans: general requirements, especially (r) — community advisory committee

56315 Local comprehensive plan alternatives

(This policy, or a modification of it, should be adopted by districts which are in a comprehensive local plan involving other school districts and the office of the county superintendent of schools.)

Policy
adopted:

Master plan (SESR)
Districts and County Offices

Personnel — Certificated/Classified

4131.32

4232.3

Staff Development Programs — Special Education Programs

The superintendent is directed to see that staff development activities are provided which will meet the requirements of the Code of Federal Regulations, Title 45, sections 121a.380 through 121a.387 — Comprehensive System of Personnel Development, and pertinent California laws and regulations.

Legal Reference: Code of Federal Regulations, Title 45

121a.380 through 121a.387 Comprehensive system of personnel development

Education Code

56332.5 Staff development program (Master plan)

44570 through 44591 Staff development project

(Legislative intent)

Administrative Code, Title 5

3116(b)(5) Staff development (Master plan)

3933 Staff Development (Non-master plan)

Policy
adopted:

All districts and
County offices

Students

5122

Assignment to Teachers and Classes

Regular School Programs

In general, students will be placed at the grade level to which they are best adjusted academically, socially and emotionally.

Every effort will be made to place students with teachers where a positive student-teacher relationship will be established.

Special Education — California Master Plan

Assignment of students who are eligible for placement under the "Education for Individuals with Exceptional Needs" program (California Master Plan) will be made by the principal (site administrator) in accordance with the individualized education program for each student as developed by the school appraisal team or the educational assessment service. (cf. 6159 — Individualized Education Program)

No individual may be required to participate in any special class or program under the local comprehensive plan unless the parent or guardian is informed of the facts which make participation in the special program necessary or desirable and the parent or guardian consents to such participation in writing. If the parent refuses consent, the district (SESR) may initiate a hearing as provided in

Administrative Code 3124, which may lead to placement without parental consent. (cf. 5145.7 — Due Process)

It is the desire of the governing board that special education students be placed in the least restrictive environment possible considering the needs of the student at the time of placement. It is expected that continuous evaluation will maintain this intention for each student.

Legal Reference: Education Code

56338 Parental consent to participation (in Education for Individuals with Exceptional Needs Program)

Administrative Code, Title 5

3100 et seq. Regulations governing programs for the educationally handicapped

5800 (m) Principal

Code of Federal Regulations

121a.504 Prior notice; parent consent

121a.550 Least restrictive environment

121a.552 Placements (of handicapped children)

Policy
adopted:

Master plan

Students

5125(c)

Student Records: Confidentiality

5125.1

The governing board supports the need for and usefulness of keeping educational records for each student which will reflect the physical, emotional, social and academic aspects of a student's development in the educational process.

Information about a student demands judicious use and shall always be used so as to contribute to the student's welfare. Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto.

The governing board recognizes that where the requirements of the Federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) conflict with the California Education Code, the district shall comply with the requirements of the Education Code. (See HEW Reg. 99.61)

For the purposes of this policy:

"Parent" mean a natural parent, an adopted parent, or legal guardian. If parents are divorced or legally separated only the parent having legal custody of the pupil may challenge the content of a record pursuant to Education Code Section 49070, offer a written response to a record pursuant to Education Code Section 49072, or consent to release records to others pursuant to Education Code Section 49075, provided, however, that either parent may grant consent if both parents have notified the district, in writing, that such an agreement has been made. Whenever a pupil has attained the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardians of the pupil shall thereafter only be required of, and accorded to, the pupil. (Education Code 49061)

"Pupil record" means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his/her duties whether recorded in handwriting, print, tapes, film, microfilm or other means. Pupil records include information relative to an individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record. (Education Code 49061; 5 Cal. Adm. Code 430)

"Pupil record" shall not include informal notes related to a pupil compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this regulation, "substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

The district administration shall adopt regulations providing for the following:

1. Informing parents of their rights annually.
2. Permitting parents to inspect and review educational records, including at least, a statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review the educational records, with an understanding that it may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest"; and a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest"; and a specification of the personally identifiable information to be designated as directory information.
4. Maintaining the record of disclosure of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent with an opportunity to seek the correction of the student's education records through a request to amend the records or a hearing, and permitting the parent or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to pupil records to authorized persons within five days following the date of request.
7. Assuring security of pupil records.
8. Enumerating and describing the pupil records maintained by the district.
9. Notifying parent when personally identifiable records are no longer needed and may be destroyed on parent's request.

Legal Reference: Education Code

49060-49078 Pupil records

56341.2 Examination of school record; handicapped pupil

Administrative Code, Title 5

430-438 Individual pupil records

Government Code

6252-6260 Inspection of public records

Code of Federal Regulations, Article 45

121a.500 Definition of "personally identifiable"

121a.501 General responsibilities of public agencies

121a.502 Opportunity to examine records
121a.573 Destruction of records

Additional Reference: Supplement to California School Law Digest, "Student Records" by Jay E. Grenig. Vol IV, Nos 9, 10, 11. (September, October & November 1976)

Policy
adopted:

All districts and
County Offices

*Change in CSBA Board Policy Service
Regulation (Amended part of Reg.)*

Student Records; Confidentiality (continued)

5125(r)
5125.1

Transfer of Pupil Records (continued)

- c. The notification shall include a statement of the parents' or guardian's right to review, challenge, and receive a copy of the pupil record, if desired.

Retention and Destruction of Pupil Records

(5 Cal. Adm. Code 437; 16020-16030)

1. No additions, except routine updating, shall be made to a pupil's record after high school graduation or permanent departure without the parent's or guardian's prior consent.
2. Mandatory Permanent Pupil Records shall be preserved in perpetuity according to 5 Cal. Adm. Code 16032.
3. Unless forwarded to another district, Mandatory Interim Pupil Records may be classified as disposable when the student leaves the district or when their usefulness ceases. Destruction shall be in accordance with 5 Cal. Adm. Code 16027 during the third school year following such classification.
- *4. Permitted Pupil Records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion of or withdrawal from the educational program.
5. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

Notification of Parents (Ed. Code 49063)

1. Parents shall be notified in writing of their rights under this regulation upon the date of the pupil's initial enrollment, and thereafter at the same time as notice is issued pursuant to Education Code Section 48980. The notice shall be in a form which reasonably notifies parents of the availability of the following specific information:
 - a. The type of pupil records and information contained therein which are directly related to students and maintained by the district.
- *4. (addition) In the case of destruction of "personally identifiable records" of an educationally handicapped child, the parent shall be notified, pursuant to CFR45 121a.573.

All districts and
County Offices

Students

5145.7

Due Process: Education for Individuals with Exceptional Needs
(Master Plan)

A parent or public education agency (Special Education Service Region, Responsible Local Agency, School District) may initiate a hearing before a fair hearing panel in any action proposed or refused by

the agency regarding a pupil's identification as an individual with exceptional needs; the pupil's assessment and the implementation of the individualized education program; and the denial, placement, transfer, or termination of the pupil in a special education and related services program.

Due process hearing procedures shall be conducted in accordance with the Administrative Code, Title 5, Section 3124.0 Due Process Hearing, a copy of which shall be given to the parent on request of the parent or when the public education agency initiates a due-process hearing.

Legal Reference: Code of Federal Regulations

121a.504 Prior notice; parent consent

121a.506-514 — Impartial due process hearing

Administrative Code, Title 5

3124 Due Process Hearing

Education Code

56341 Administrative Hearing

56341.1 Request for hearing

56341.2 Examination of school record; Handicapped pupil

56341.3 Fair hearing panel

5634.4 Filing petition of disagreement

Policy
adopted:

Master Plan

Instruction

6146(a)

Graduation/Standards of Proficiency

Elementary School Proficiency Requirements

The district instructional support system shall be the basis for establishing standards of expected pupil achievement in reading, arithmetic, and oral and written language. Each student shall be expected to meet the minimum standards of the basic skills of the Stanford Program at each level, or a plan for reteaching each child not meeting such minimum standards shall be prescribed before completion of the elementary grades.

Intermediate Grades

The district support system shall apply also to the students in these grades. In addition the framework of the instructional and guidance goals for these grades shall be those outlined in the district handbook for the middle school.

Special Education

An educationally handicapped pupil who successfully completes his or her prescribed individualized education program shall receive the secondary diploma of the district. If a student attends a school outside this district which is empowered to grant a secondary diploma, the parent or adult student shall have the choice of receiving the diploma of the school attended or the diploma of this district if the student is a resident of this district at graduation. (The same option should be granted to students completing an elementary program if the district grants elementary diplomas). Educationally handicapped students shall be provided the opportunity to participate in graduation exercises and related activities on a non-discriminatory basis.

General

Time sequence of progress shall not be fixed entirely by grade designation. Some students will demonstrate ability to move through the learning experiences of the various levels at a faster pace. Some will require additional time. The flexibility of programs and instruction shall allow for such variation in pace as part of the personalized instruction program.

Because of the high ratios of transiency between schools and districts, some flexibility in ultimate decisions on progress of children is necessary. However, pupils shall not progress from primary to intermediate to secondary grades without acceptable accomplishment of basic skills functions unless a specific exception for defined reasons is made by the principal. The parents shall be included in the decision. If an exception is made, a planned program for remediation for the pupil should accompany the decision.

Legal Reference: Education Code

6146(b)

51215-51217 Student Progress, Elementary and Secondary Schools (re standards of proficiency)
 51224 Skills and knowledge required for adult life
 51225 Graduation requirements
 51240-51246 Exemptions from requirements
 51260-56269 Drug education
 51400-51442 Diplomas and certificates
 51411 Residency and graduation
 52508 Diplomas or certificates (adult school)
 52509 Requirements for granting diplomas (adult school)
 52510 Requirements for eighth grade graduation (adult school)
 58500-58514 Alternative schools (permissive — operative until 7/1/80)
 Administrative Code, Title 5
 1600 et seq. Graduation of pupils from grade 12 and credit toward graduation

Regulation
 approved:

Master Plan

6159(a)
 6159(b)
 6159(c)
 6159(d)

Instruction

Individualized Educational Program (Master Plan for Special Education)

Following the assessment procedure and verification of the exceptional need(s) of an individual, a "school appraisal team" shall be named by the superintendent or the superintendent's designee for that individual. The school appraisal team shall determine the content of the individualized educational program and make placement recommendations for the resource specialist program and designated instruction and services provided in the school. A school assessment team may also determine the content of the individualized education program and make placement recommendations for pupils from that school who require instruction at home or in a hospital for a short-term physical disability.

School Appraisal Team

The school appraisal team for any individual shall consist of at least the following; appointed by the site administrator:

1. A representative of the school district other than the individual's teacher, who is qualified to provide, or supervise, the provision of special education, normally the site administrator or designate.
2. The child's teacher
3. One or both of the child's parents (subject to provisions of CFR45, 121a.345), or a representative chosen by the parent, or both.
4. The child, where appropriate.
5. For a child who has been evaluated for the first time, a member of the evaluation team shall be

present, and at least one of the persons present shall be knowledgeable about the evaluation (assessment) procedures.

(Note: all of the above are required by section 121a.344 of CFR45, q.v.)

Any of the following may participate, as appropriate:

1. A regular teacher of the pupil whenever that pupil shall be transferred to a regular class or where services of a regular teacher may be included as part of the pupil's individualized education program.
2. The special education specialist, school psychologist, school nurse, school social worker, counselor, or other pupil services worker who has conducted an assessment of the pupil, when the assessment is significant to the development of the individualized education program.
3. Any other person whose competence is needed, due to the nature and extent of the pupil's disability.
4. A public agency representative fluent in the individual's primary language. (5CAC 3109)

Education Assessment Service Team (EAS)

There shall be an educational assessment service team formed at the regional level (RLA, special education service region) which shall participate in the development of the individualized education program and make recommendations for placement of pupils referred to the education assessment service. The educational assessment service team shall also:

1. Determine the content of the IEP and make placement recommendations for pupils who attend special classes or centers and for any pupil who will attend a school or program other than the pupil's normal school of attendance (except for pupils at home or in a hospital for a short-term physical disability.)
2. Determine the content of the IEP and make placement recommendations for any pupil who requires a more intensive study.

The membership of the educational assessment service team shall be determined by the RLA, pursuant to Education Code 56336.2(b).

Individualized Education Program (IEP)

The IEP shall be a written statement developed by the school appraisal team or the educational assessment service team, and it shall include at least the following:

1. The present levels of the individual's educational functioning and, where relevant, academic achievement.
2. The annual objectives and the long-range goals and objectives.
3. The specific special education programs and services required by the individual, and the extent the individual will be able to participate in regular educational programs.
4. The projected date for initiation and anticipated duration of such programs and services.
5. Appropriate objective criteria upon which to determine whether the instructional objectives are being achieved.
6. Provisions for the transition into the regular class program if the individual is to be transferred from a special day class or center or non-public school into a regular class in a public school.
7. A secondary grade level pupil's IEP shall also include any provisions necessary for the pupil to complete the district's course of study and meet or exceed proficiency standards for graduation in accordance with Education Code 51225 and 51225.1.
8. In the case of limited-English and non-English speaking pupils, the IEP should provide for appropriate linguistic goals, objectives, programs and services.

9. If extended school year services are determined to be needed by the pupil, such services shall be documented in the IEP.
10. In addition to the annual objectives included in the IEP, the special education teachers or specialists shall develop and periodically review the activities for each individual.
11. If it is determined that a pupil needs occupational training, career or vocational education, or physical, occupational or other authorized therapy, such training or therapy shall be specified in the IEP.

Transfers

When a pupil receiving special education services under a current IEP transfers into a different RLA program, the procedures to be followed by the sending and receiving RLAs shall be those specified in 5CAC 3307.

Independent Educational Assessment

If an independent educational assessment is necessary, it shall be conducted according to Education Code section 56337(c) (2), and Title 45, Code of Federal Regulations, section 121a.503, and shall be conducted by a California credentialed or licensed professional examiner who is not employed by and does not routinely provide assessments for the state department of education or the RLA, as specified in 5CAC 3108.

Legal Reference: Education Code

56336 Additional-general requirements; school appraisal team; educational assessment service

56336.2 School site level; regional level

56336.5 Individualized Education Program

51225 Requirements for high school graduation

51217 Standards of proficiency for graduation from high school

Administrative Code, Title 5

3105 Standards and procedures for assessment

3106 Procedures and time lines for planning and implementing the individualized education program

3107 Review of individualized education program re transfer students

3108 Independent educational assessment

3109 School appraisal team

3110 Educational assessment service

3112 Standards for designated instruction and services

Code of Federal Regulations, Title 45

121a.340-349 Individualized education program

121a.533 Placement procedures

121a.550-553 Least restrictive environment; alternative placements; placement; non-academic settings

121a.503 Independent educational assessment

121a.14 Special education definitions, including physical education, vocational education, speech pathology, etc.

Policy
adopted:

Master plan

Instruction

6164.4

Identification of Individuals with Exceptional Needs

The governing board recognized that each individual is unique, and that while for most pupils the conventional school program is appropriate, a substantial number of individuals have exceptional abilities and/or needs which should be served.

The governing board therefore directs the superintendent to see that this district implements regulations and procedures which will identify individuals within the age span of 3 through 21 (by 1980) who have such exceptional needs and abilities, including, but not limited to, those who are non-English-speaking or limited-English-speaking, or who are educationally disadvantaged for other reasons. Such regulations and procedures shall be consistent with the requirements of federal and state laws and regulations for such assessment. The search for individuals with exceptional needs is not to be limited to those who are students in the district schools. A concerted effort must be made to identify all residents of the district, aged 3 through 21 as required by law, who may be individuals with exceptional needs. These needs shall then be assessed by appropriate credentialed personnel (5CAC 3105), and if it is deemed that the individual does have exceptional needs and should be admitted to the program for individuals with exceptional needs, an individualized education program shall be devised by the school appraisal team or the education assessment service.

It is expected that the procedures, methods and materials used in searching, assessing and appraisal will be those specified in the local comprehensive plan.

Legal Reference: Education Code

56330(a)(b) Provision for seeking out all individuals with exceptional needs and providing for the identification and assessment of those needs

56337 Individual pupil assessment; admission to program

Administrative Code, Title 5

3102 Each RLA to establish written policies and procedures for seeking out all individuals with exceptional needs

3105 Requirement for an assessment plan for use in assessment of the individual.

Code of Federal Regulations, Title 45, Chapter 1

121a.220 Child identification

Policy

adopted:

Master Plan

Instruction

6171(a)

Special Education

6171(b)

The governing board approves the declaration by the State Legislature that "all individuals with exceptional needs have a right to participate in appropriate programs of publicly supported education and that special educational programs and services for these persons are needed in order to assure them of this right to an appropriate educational opportunity." (Education Code, Section 56301)

Since this district is not able to provide all of the facilities and programs needed to meet the particular problems of each individual with exceptional needs residing in the district, the governing board directs the superintendent to cooperate with the office of the county superintendent of schools and such other school districts as may appropriately form a special education service region in the development of a local comprehensive plan which will provide the services, programs and facilities for all eligible individuals with exceptional needs residing in this district. After approval by the county board of education, the participating district boards and the state department of education, the local comprehensive plan shall be put into action as quickly as possible under the office of the county superintendent of schools, which shall be the responsible local agency.

Master Plan (SESR districts)

Instruction

6171(a)

Special Education

The governing board approves the declaration by the State Legislature that "all individuals with exceptional needs have a right to participate in appropriate programs of publicly supported education

and that special educational programs and services for these persons are needed in order to assure them of this right to an appropriate educational opportunity." (Education Code section 56301)

The superintendent is directed to supervise the development of a comprehensive plan which meets the requirements of pertaining federal and state laws and regulations. Since the district may not be able to provide all of the facilities and programs needed to meet the particular problems of each individual with exceptional needs, the governing board expects that the completed plan will make use of federal and state programs, the office of the county superintendent of schools, and if necessary, private schools as authorized in the Education Code, section 56030 et seq. (cf. 0430 - Comprehensive Plan for Special Education)

The governing board will implement the approved plan to the best of its financial abilities, the availability of trained and certificated personnel, and the availability of special facilities.

The comprehensive plan will make ample provision for each of the guidelines stated in Education Code section 56330 - General Requirements, and for the specific requirements of the Administrative Code, Title 5, commencing with section 3100.

In accordance with CFR Article 45, section 121a.122, Timeliness and ages for free appropriate education, the governing board expects that all handicapped children aged three through twenty-one who reside within the district will, in fact, be receiving a free appropriate education or will have completed the requirements for graduation from high school.

Legal Reference: Education Code

56300-56304 Master plan: General provisions

56310-56317 Master plan: Administration

56330-56341.4 Master plan: Elements of local comprehensive plans

56350-56355 Program evaluation and review

56360-56367 Funding of special educational programs (Master plan)

Administrative Code, Title 5

3100-3125 Programs for individuals with exceptional needs (Master plan for special education)

3200-3215 Nonpublic schooling for the handicapped

Code of Federal Regulations, Title 45

84.1-84.61 Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance

121a.1-121a.754 Assistance to states for education of handicapped children.

Policy
adopted:

Master Plan

Instruction

6182

Evaluation of Special Education Program

The superintendent shall make an annual report to the governing board concerning the special education programs of the district, with particular attention to the individual education programs (IEP) objectives, by program, school and district.

The report shall include recommendations of the superintendent and staff, and by any advisory groups, for improvements in the program.

In addition to the annual report the superintendent shall make interim reports whenever any phase of the programs is significantly less satisfactory than was expected in order that necessary adjustments may be made.

The superintendent shall make certain that the individualized education plan of each student is reviewed periodically, at least annually.

Legal Reference: Code of Federal Regulations, Title 45

121a.340-349 Individualized education program, esp.
121a.343 Meetings; review
121a.534 Evaluation of each child at least every three years

Education Code

56330(k) General requirements: program evaluation component
56336.3 Procedures for assessment of program
56336.5 Individualized education program

3107(b) Review of individualized education program (Master plan)
3307(b) Review of individualized education program (non-master plan)

Policy
adopted:

All districts and
County Offices

Non-Master Plan Policies

Community Relations

1312.1

Complaints Concerning Categorically Funded Programs

Any person, including any parent of a pupil enrolled in a federal or state funded categorical program, may file a complaint alleging a violation of law, policy or regulation governing such programs. The procedure for handling any such complaints shall be the procedure detailed in the Administrative Code, Title 5, section 3309, Alternate 2.

A copy of the procedure for filing a complaint under this policy shall be given to any interested person.

The superintendent is directed to notify citizens annually of their right to file a complaint under this policy, and their right to an informal review and hearing regarding the complaint and the procedures for implementation.

Legal Reference: Administrative Code, Title 5
3309 Complaint Procedure (Individual protection)
3948 Grievance Procedure (Consolidated Categorical Aid Programs)
Code of Federal Regulations, Title 45
116.7
121a.602 Adoption of complaint procedures

Policy

adopted:

Non-master plan

Personnel - Certificated/Classified

4131.32

Staff Development Programs - Special Education Programs

4232.3

The superintendent is directed to see that staff development activities are provided which will meet the requirements of the Code of Federal Regulations, Title 45, sections 121a.380 through 121a.387 - Comprehensive System of Personnel Development, and pertinent California laws and regulations.

Legal Reference: Code of Federal Regulations, Title 45
121a.380 through 121a.387 Comprehensive system of personnel development
Education Code
56332.5 Staff development program (Master Plan)
44570 through 44591 Staff development project (Legislative intent)
Administrative Code, Title 5
3116(b)(5) Staff development (Master plan)
3933 Staff Development (Non-master plan)

Policy

adopted:

All districts and
County Offices

Students

5122(a)

Assignment to Teachers and Classes

5122(b)

Regular School Programs

In general, students will be placed at the grade level to which they are best adjusted academically, socially and emotionally.

Every effort will be made to place students with teachers where a positive student-teacher relationship will be established.

Special Education

Assignment of students who are eligible for placement in special education programs (non-master plan) will be made by the principal or site administrator in accordance with the individualized education program for each student as developed by the eligibility and planning team. (cf.6159 - Individualized Education Program)

No individual may be required to participate in any special class or program unless the parent or guardian is informed of the facts which make such placement necessary or desirable, and the parent or guardian gives consent for such placement in writing. If a parent or guardian refuses to give consent for placement, the district may initiate procedures under Administrative Code, Title 5, 3308 which may lead to placement of the student in a special education program or class without parental consent. (cf. 5145.7 - Due Process)

It is the desire of the governing board that special education students be placed in the least restrictive environment possible considering the needs of the student at the time of placement. It is expected that continuous evaluation will maintain this intention for each student.

Legal Reference: Education Code

56000 et seq. Special Education Programs, esp.
56036 Procedural due process protections; contents.
56036.(5) Requirement that written parental consent be obtained prior to pupil placement in special education program.

Administrative Code, Title 5

3300 et seq. Individual protections and due process procedural safeguards
3400 et seq. Programs for the Educationally Handicapped
3500 et seq. Programs for the Mentally Retarded
3600 et seq. Programs for the Physically Handicapped
3700 et seq. Development Centers for the Handicapped

Code of Federal Regulations

121a.504 Prior notice; parent consent
121a.550 Least restrictive environment
121a.552 Placements (of handicapped children)

Policy
adopted:

Non-master Plan

Students

5125(a) 5125(b) 5125(c)

Student Records; Confidentiality

5125.1 5125.1 5125.1

The governing board supports the need for and usefulness of keeping educational records for each student which will reflect the physical, emotional, social and academic aspects of a student's development in the educational process.

Information about a student demands judicious use and shall always be used so as to contribute to the student's welfare. Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto.

The governing board recognizes that where the requirements of the Federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) conflict with the California Education Code, the district shall comply with the requirements of the Education Code. (See HEW Reg. 99.61)

For the purposes of this policy:

"Parent" means a natural parent, an adopted parent, or legal guardian. If parents are divorced or legally separated only the parent having legal custody of the pupil may challenge the content of a record

pursuant to Education Code Section 49070, offer a written response to a record pursuant to Education Code Section 49072, or consent to release records to others pursuant to Education Code Section 49075, provided, however, that either parent may grant consent if both parents have notified the district, in writing, that such an agreement has been made. Whenever a pupil has attained the age of 18 years or is attending an institution of post-secondary education, the permission or consent required of, and the rights accorded to, the parents or guardians of the pupil shall thereafter only be required of, and accorded to, the pupil. (Education Code 49061)

"Pupil record" means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his/her duties whether recorded in handwriting, print, tapes, film, microfilm or other means. Pupil records include information relative to an individual pupil gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information which is maintained for the purpose of second party review is considered a pupil record. (Education Code 49061; 5 Cal. Adm. Code 430)

"Pupil record" shall not include informal notes related to a pupil compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this regulation, "substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

The district administration shall adopt regulations providing for the following:

1. Informing parents of their rights annually.
2. Permitting parents to inspect and review educational records, including at least, a statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review the educational records, with an understanding that it may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest"; and a specification of the personally identifiable information to be designated as directory information.
4. Maintaining the record of disclosure of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent with an opportunity to seek the correction of the student's education records through a request to amend the records of a hearing, and permitting the parent or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to pupil records to authorized persons within five days following the date of request.
7. Assuring security of pupil records.
8. Enumerating and describing the pupil records maintained by the district.
9. Notifying parent when personally identifiable records are no longer needed and may be destroyed on parent's request.

Legal Reference: Education Code
 49060-49078 Pupil records
 56341.2 Examination of school record; handicapped pupil
 Administrative Code, Title 5
 430-438 Individual pupil records
 Government Code
 6252-6260 Inspection of public records
 Code of Federal Regulations, Article 45
 121a.500 Definition of "personally identifiable"
 121a.501 General responsibilities of public agencies
 121a.502 Opportunity to examine records
 121a.573 Destruction of records

Additional Reference: Supplement to California School Law Digest, "Student Records" by Jay E. Grenig. Vol IV, Nos 9, 10, 11. (September, October & November 1976)

Policy
 adopted:

All districts and
 County Offices

*Change in CSBA Board Policy Service
 Regulation (Amended part of Reg.)*

Student Records; Confidentiality (continued) 5125(r)

Transfer of Pupil Records (continued) 5125.1

- c. The notification shall included a statement of the parents' or guardian's right to review, challenge, and receive a copy of the pupil record, if desired.

Retention and Destruction of Pupil Records
 (5 Cal. Adm. Code 437; 16020 16030)

1. No additions, except routine updating, shall be made to a pupil's record after high school graduation or permanent departure without the parent's or guardian's prior consent.
2. Mandatory Permanent Pupil Records shall be preserved in perpetuity according to 5 Cal. Adm. Code 16032.
3. Unless forwarded to another district, Mandatory Interim Pupil Records may be classified as disposable when the student leaves the district or when their usefulness ceases. Destruction shall be in accordance with 5 Cal. Adm. Code 16027 during the third school year following such classification.
- *4. Permitted Pupil Records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion of or withdrawal from the educational program.
5. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

Notification of Parents (Ed. Code 49063)

1. Parents shall be notified in writing of their rights under this regulation upon the date of the pupil's initial enrollment, and thereafter at the same time as notice is issued pursuant to Education Code Section 48980. The notice shall be in a form which reasonably notifies parents of the availability of the following specific information:
 - a. The type of pupil records and information contained therein which are directly related to students and maintained by the district.

- *4. (addition) In the case of destruction of "personally identifiable records" of an educationally handicapped child, the parent shall be notified, pursuant to CFR45 121a.573.

Policy
adopted:

All districts and
County Offices

Students

5145.7

Due-Process: Education for Individuals with Exceptional Needs

Due-Process Hearing

Either a parent or the school district may initiate a hearing before a fair hearing panel in any action proposed or refused by the district regarding the pupil's identification as an individual with exceptional needs; the pupil's assessment and the implementation of the individualized education program; and the denial, placement, transfer, or termination of the pupil in a special education and related services program.

The procedure for a due-process hearing shall be that specified in the Administrative Code, Title 5, section 3308, a copy of which shall be given to the parent on request of the parent, or when the district initiates a due-process hearing.

Legal Reference: Code of Federal Regulations, Title 45
121a.506-514 Impartial due process hearing

Administrative Code, Title 5
3308 Due-process Hearing

Education Code
56036 Procedural Due Process Protection Contents
56037 Petition for writ of mandate (in event of parent's appeal being denied)

Policy
adopted:

Non-master Plan

Instruction

6146(a)

Graduation/Standards of Proficiency

6146(b)

Elementary School Proficiency Requirements

The district instructional support system shall be the basis for establishing standards of expected pupil achievement in reading, arithmetic, and oral and written language. Each student shall be expected to meet the minimum standards of the basic skills of the Stanford Program at each level, or a plan for reteaching each child not meeting such minimum standards shall be prescribed before completion of the elementary grades.

Intermediate Grades

The district support system shall apply also to the students in these grades. In addition the framework of the instructional and guidance goals for these grades shall be those outlined in the district handbook for the middle school.

Special Education

An educationally handicapped pupil who successfully completes his or her prescribed individualized education program shall receive the secondary diploma of the district. If a student attends a school outside this district which is empowered to grant a secondary diploma, the parent or adult student shall have the choice of receiving the diploma of the school attended or the diploma of this district if the student is a resident of this district at graduation. (The same option should be granted to students completing an elementary program if the district grants elementary diplomas). Educationally

handicapped students shall be provided the opportunity to participate in graduation exercises and related activities on a non-discriminatory basis.

General

Time sequence of progress shall not be fixed entirely by grade designation. Some students will demonstrate ability to move through the learning experiences of the various levels at a faster pace. Some will require additional time. The flexibility of programs and instruction shall allow for such variation in pace as part of the personalized instruction program.

Because of the high ratios of transiency between schools and districts, some flexibility in ultimate decisions on progress of children is necessary. However, pupils shall not progress from primary to intermediate to secondary grades without acceptable accomplishment of basic skills functions unless a specific exemption for defined reasons is made by the principal. The parents shall be included in the decision. If an exception is made, a planned program for remediation for the pupil should accompany the decision.

Legal Reference: Education Code

51215-51217 Student Progress, Elementary and Secondary Schools (re standards of proficiency)
51224 Skills and knowledge required for adult life
51225 Graduation requirements
51240-51246 Exemptions from requirements
51260-56269 Drug education
51400-51442 Diplomas and certificates
51411 Residency and graduation
52508 Diplomas or certificates (adult school)
52509 Requirements for granting diplomas (adult school)
52510 Requirements for eighth grade graduation (adult school)
58500-58514 Alternative schools (permissive - operative unitl 7/1/80)

Administrative Code, Title 5
1600 et seq. Graduation of pupils from grade 12 and credit toward graduation.

Regulation
approved:

Non-master Plan

Instruction

Individualized Education Program

Following the assessment procedure and verification of the exceptional needs of an individual, an "eligibility and planning team" will be named by the site administrator, and it will develop an "individualized education program" for that student.

Eligibility and Planning Team (Except for mentally retarded pupils)

The eligibility and planning team (EPT) for any individual shall consist of at least the following:

1. A representative of the school district other than the individual's teacher, who is qualified to provide, or supervise, the provision of special education (Usually the site administrator or designate)
2. The child's teacher
3. One or both of the child's parents (subject to the provisions of CFR45, 121a.345), or a representative chosen by the parent, or both.
4. The child, where appropriate

6159(a)
6159(b)
6159(c)
6159(d)

5. For a child who has been evaluated for the first time, a member of the evaluation (assessment) team shall be present, and at least one of the persons present shall be knowledgeable about the assessment procedures.

(Note: all of the above are required by section 121a.344 of CFR45, q.v.)

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other pupil service worker who has conducted an assessment of the pupil shall participate whenever the results or recommendations based on such an assessment are significant to the development of the pupil's individualized education program and placement. Where the pupil is limited- or non-English-speaking, a district representative who is fluent in the pupil's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited-English and non-English speaking individuals should be included. (cf. Adm. Code, Title 5, 3301(e))

Eligibility and Planning Team (for mentally retarded pupils)

Members of the eligibility and planning team for determining eligibility and developing the individualized education program for individuals placed in special education programs serving the mentally retarded shall include:

1. The administrator in charge of special education programs or his/her designee
2. An experienced special education teacher
3. A school nurse
4. A school psychologist who has examined the individual under consideration
5. The parent(s) of the individual under consideration
6. The individual pupil, when appropriate
7. Others as appropriate (see additions to the eligibility and planning team (except for mentally retarded pupils) on page 6159(a) above.)

Individualized Education Program

The individualized education program shall be a written statement developed by the eligibility and planning team which shall include:

1. The present levels of the individual's educational functioning and, where relevant, academic achievement
2. The annual objectives
3. The specific special educational programs and services required by the individual and the extent the individual will be able to participate in regular educational programs.
4. The projected date for initiation and anticipated duration of such programs and services
5. Appropriate objective criteria upon which to determine whether the instructional objectives are being achieved.
6. Provisions for the transition into the regular class program if the student is to be transferred from a regular day class or center or nonpublic school into a regular class in a public school.
7. An IEP for a secondary grade level student shall state the activities by which the student can complete the district's required course of study and meet or exceed proficiency standards for graduation. (Education Code section 51225)
8. In the case of limited- or non-English speaking individuals, the IEP should provide for linguistically appropriate goals, objectives, programs and services
9. If the eligibility and planning team determines that extended school year services are needed by an

individual, the need shall be documented in the IEP.

10. In addition to the annual objectives included in the individualized education program, the special education teachers or specialists of the individual shall develop and periodically review the activities for each individual.
11. If an eligibility and planning team determines that an individual needs occupational training, career or vocational education, it shall be specified in the individualized education program.

Transfers

When an individual receiving special education services under a current IEP transfers into a different district or special education service region, the procedures to be followed by the sending and receiving districts shall be those specified in 5CAC 3307.

Independent Educational Assessment

If an independent educational assessment is necessary, it shall be conducted by a California credentialed or licensed professional examiner who is not employed by and does not routinely provide assessments for the state department of education or the district, as specified in 5CAC 3307.5.

Legal Reference: Administrative Code, Title 5

3306 Individualized Education Program
3307 Review of the individualized education program re transfer students
3307.5 Independent educational assessment
3430.5 Occupational training career or vocational education, and/or work experiences
3501 Eligibility and planning team for mentally retarded individuals

Education Code

51225 Requirements for high school graduation and diplomas
56502 Admission: individual evaluation; interim placement of pupil; local admission committee (re certain mentally retarded pupils)
56600 et seq. Educationally handicapped individuals

Code of Federal Regulations, Title 45

121a.340-349 Individualized education program
121a.533 Placement procedures
121a.550-553 Least restrictive environment; alternative placements; placement; non-academic settings
121a.503 Independent educational assessment
121a.14 Special Education definitions, including Physical education, "vocational education," "Speech pathology," etc.

Policy
adopted:

Non-master Plan

Instruction

6164.4

Identification of Individuals with Exceptional Needs

The governing board recognizes that each pupil is a unique individual and that while for most pupils the conventional school program is appropriate, a substantial number of pupils have exceptional needs which should be served.

The governing board therefore directs the superintendent to develop and implement regulations and procedures which will serve to seek out all individuals with exceptional needs residing in the district who are eligible for "free appropriate public education."

The superintendent is also directed to develop an assessment plan for the assessment and evaluation of the exceptional needs of each individual identified in the search. The assessment plan shall be a

description in ordinary language of the procedures, tests, records, or reports proposed for use in the assessment of the individual.

Legal Reference: Education Code

54000-54669 Educationally Disadvantaged Youth Programs
56001 Reports of governing boards (Handicapped children)
56500 Mentally retarded pupils
56601 Educationally handicapped pupils
56701 Pupils considered physically handicapped

Administrative Code, Title 5
3105 Standards and procedures for assessment
3300 Scope (individual protections)
3302 Search
3304 Standards and procedures for assessment

Code of Federal Regulations, Title 45
121a.128(a) Identification, location and evaluation of handicapped children
121a.220 Child identification
121a.500-534 Protection in evaluation procedures

Policy

adopted:

Non-master Plan

Instruction

6171(a)

Special Education

6171(b)

It is the intention of the governing board to provide appropriate, free education for every individual with exceptional needs who is resident in this district; whose age is between four and twenty, inclusive; and who is eligible for one or more of the programs authorized by the state for the education of handicapped children. These are: Educationally Handicapped, E.C. 56000; Autistic, E.C. 56601; Educable Mentally Retarded, E.C. 56500; Severe Mentally Retarded, E.C. 56500 and 56501; Physically Handicapped, E.C. 56701.

The superintendent is directed to search for and identify every such individual, annually, and to report to the board and to the county superintendent of schools, every handicapped child who is participating in a special class, school or program of the district for handicapped children, and every handicapped individual who is not participating in such program but whose parent has applied to have the individual enrolled in such special class, school or program. The superintendent shall notify the parent of every individual with exceptional needs who is eligible for one or more of the programs authorized by the state of the availability of such programs, and shall provide an appropriate free education to each such handicapped individual according to the laws and regulations of the federal and state governments.

The governing board directs the superintendent to provide a plan for phasing this categorical aid program into the special education program authorized by the legislature commencing with Education Code 56300 entitled Educational Services for Individuals with Exceptional Needs. This change over to the new program, as set up by the State Board of Education and known as the Master Plan for Special Education, shall be accomplished no later than 1 July 1980.

Legal Reference: Education Code

41882-41888 Computation of funds available to each school district for education of exceptional pupils
56030-56042 Education for exceptional children in non-public schools
56500-56542 Mentally retarded pupils
56600-56619 Educationally handicapped pupils
56700-56752 Physically handicapped pupils
56800-56834 Development Centers for handicapped pupils
56865 Admission of residents of children's homes

59000-59223 State schools for the handicapped

Administrative Code, Title 5

3200-3215 Non-public schooling for the handicapped

3300-3309 Individual protections and due-process procedures and safeguards

3400-3437 Programs for the educationally handicapped

3500-3583 Mentally retarded individuals

3600-3698 Physically handicapped pupils

3720-3772 Special education for drug dependent individuals

3780-3796 Development centers for the handicapped

Public Law 94-142 Education for All Handicapped Children Act

U.S. Rehabilitation Act of 1973 - section 504

Code of Federal Regulations, Title 45

100b.17-100b.55 State administered programs

121a.1-121a.754 Assistance to states for education of handicapped children

84.1-84.61 Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance

Policy
adopted:

Non-master Plan

6182

Instruction:

Evaluation of Special Education Program

The superintendent shall make an annual report to the governing board concerning the special education programs of the district, with particular attention to the individual education programs (IEP) objectives, by program, school and district.

The report shall include recommendations of the superintendent and staff, and by any advisory groups, for improvements in the program.

In addition to the annual report the superintendent shall make interim reports whenever any phase of the programs is significantly less satisfactory than was expected in order that necessary adjustments may be made.

The superintendent shall make certain that the individualized education plan of each student is reviewed periodically, at least annually.

Legal Reference: Code of Federal Regulations, Title 45

121a.340-349 Individualized education program, esp.

121a.343 Meetings, review

121a.534 Evaluation of each child at least every three years

Education Code

56330(k) General requirements: program evaluation component

56336.3 Procedures for assessment of program

56336.5 Individualized education program

3107(b) Review of individualized education program (Master plan)

3307(b) Review of individualized education program (non-master plan)

Policy
adopted:

All districts and
County Offices



Part 4

Additional Sources

ADDITIONAL SOURCES OF INFORMATION ABOUT SPECIAL EDUCATION

(REVIEWED BY BOARD MEMBERS FOR BOARD MEMBERS)*

GENERAL INFORMATION

Civil Rights for the Handicapped

American Association of School Administrators
1801 North Moore Street
Arlington, VA 22209

Stock No. 021-00327

\$4.95

Curriculum Update No.25, No.26, No.38

California School Boards Association
916 23rd Street
Sacramento, CA 95816

No.25 - California Search & Serve

No. 26 - P.L. 94-142 All Handicapped Children's Act

No.38 - The California Master Plan and Its Relationship to P.L. 94-142

Education of the Handicapped Today and a Bill of Rights for the Handicapped

US Government Printing Office

Washington, D.C. 20402

Stock No. 017-080-01569-2

35¢ each

Education Unlimited (A journal especially for mainstream educators)

Education Resources Center

1834 Meetinghouse Road

Boothwyn, PA 19061

Subscription rate \$12.00

Exemplary Programs in Special Education, (National Diffusion Network)

Special Education Office

State Department of Education

721 Capitol Mall

Sacramento, CA 95814

or

Exemplary Programs Service

State Department of Education

721 Capitol Mall

Sacramento, CA 95814

Federal Register (Education of Handicapped Children, Implementation of Part B of the Education of the Handicapped Act, Tuesday, August 23, 1977 Part II)

Department of HEW

Washington, D.C. 20202

The Least Restrictive Environment and Mainstreaming (A Policy Statement Developed and Written by the Commission on Special Education and Adopted by the State Board of Education)

Publication Sales

California State Department of Education

P.O. Box 271

Sacramento, CA 95802

The Map, The Mission And the Mandate (Personnel Preparation and Public Law 94-142)

Educational Resources Center

1834 Meetinghouse Road

Boothwyn, PA 19061

\$4.00 each copy

Your Responsibilities to Disabled Person as a School or College Administrator

Bureau of Education for Handicap

Department of Health, Education, and Welfare

Washington, D.C. 20202

Your Rights as a Disabled Person

Department of Health, Education, and Welfare

Washington, D.C. 20202

ADDITIONAL SOURCES OF INFORMATION

Current Bills on Special Education

Bill Room
State Capitol
Sacramento, CA 95814

Information on Workshops on Special Education

California State Department of Education
721 Capitol Mall
Sacramento, CA 95814

Attention: Dr. Karl Murray

Master Plan for Special Education Comprehensive Plan (For your local area plan refer to your County

Office of Education
Department of Special Education
California State Department of Education
721 Capitol Mall
Sacramento, CA 95814

FILM

— Walk in Another Pair of Shoes (Narrated by Tennessee Ernie Ford)

CANHC
P.O. Box 604 Main Office
Los Angeles, CA 90053

Write for price list

*Many of the documents in this list are available at your local County School Office.

Fingertip Facts on Special Education in California

Department of Special Education
California State Department of Education
721 Capitol Mall
Sacramento, CA 95814

It's A New Day For Disable People

US Government Printing Office
Washington, D.C. 20402

Stock No. 017-080-01837-3

Parents Can Be Partners (California State Department of Education)

Publications Sales
P.O. Box 271
Sacramento, CA 95802

\$1.35 per set plus sales tax

Parent Guide to Special Education Rights and Responsibilities (Available in most languages)

Department of Special Education
California State Department of Education
721 Capitol Mall
Sacramento, CA 95814

Public Law 94-142 and Section 504: understanding what they are and are not (Question and Answers)

The Council for Exceptional Children Unit 9
1920 Association Drive
Reston, VA 22091

1-9 copies 50¢ each
10 or more copies, 40¢

Rights in Special Education (Available in most languages)

Department of Special Education
California State Department of Education
721 Capitol Mall
Sacramento, CA 95814

Setting Differential Standards
Department of Special Education
California State Department of Education
721 Capitol Mall
Sacramento, CA 95814

78-104 (Reprint) DE 11412 5-79100

Special Education in Transition (Public Law 94-142)
American Association of School Administrators
1801 North Moore Street
Arlington, VA 22209 Stock No. 021-00323

\$4.95

Appendices

Appendix A — Glossary

Appendix B — Additional Special Education
Laws

Appendix C — Proposed Procedure For
Selection of Surrogate Parent

Appendix D — Proposed Individualized
Education Program (IEP) Development
Process



APPENDIX A

Glossary

A child advocate - means a person who monitors special education programs and works to insure that program decisions are made on the basis of what is best for the child.

Categorical Programs - means the specific program which in the past has been identified by legislation and refers to a group of pupils eligible for a particular program; such as, Orthopedically handicapped, TMR, etc.

Compulsory Education - mean the ages at which parents are compelled by law to send their children to school (or when applied to a "range" of ages, means the age range within which children must attend school).

Differentiated Education - means that the phases of an individual's educational experiences are planned and conducted in accordance with the individual's level of capability and achievement at any given time and which will utilize whatever varying program arrangements are required by the individual's constantly changing growth and development needs; such arrangements may require special class placement, small-group instruction, individual tutoring, or indirect services to the child's teacher and/or parents.

Due Process Procedures for Parents and Childrer - means there are a number of specific procedures written into the law, and expanded in the law, and expanded in the proposed regulations, to protect the rights of children and parents. These safeguards include: due process, nondiscriminatory testing, least restrictive alternative, native language, confidentiality and the right to representation.

Equal Educational Opportunity - means the right of each individual to have access not only to an educational opportunity of at least the same duration as all other individuals but one which has been individually tailored in particular response to his own learning characteristics. That opportunity, when individually tailored, may require more than the usual amount of time in school, effort on the part of his teachers and cost to society in terms of dollars.

Excess Cost - means those expenditures required in the provision of special education programs and services which are beyond those usually provided as a part of regular educational programs and services; i.e., those costs incurred or required because the learners are individuals with exceptional needs.

Free Appropriate Public Education - means special education and related services which (a) are provided at public expense under public supervision and direction and without charge, (b) meet the standards of the state educational agency, (c) include preschool, elementary school or secondary school education and (d) are provided in conformity with an individualized education program.

Full Educational Opportunities Goal - means each state and local education agency must take steps to insure that handicapped children have available to them the variety of programs and services available to non-handicapped children, including art, music, industrial arts, home economics, vocational education, physical education and nonacademic and extracurricular services and activities.

Handicapped Children - means, by the Act as: mentally retarded, hard of hearing, deaf, orthopedically impaired, other health impaired, speech impaired, visually handicapped, seriously emotionally disturbed, or children with specific learning disabilities who, by reason thereof, require special education and related services.

Individuals with exceptional needs - means persons with handicapping conditions and/or high intellectual abilities who require specialized attention and services in order for the educational experience to be meaningful and effective in their lives.

Informed consent - means that (1) The parent has been informed of all information relevant to the activity for which consent is sought, in his or her primary language, or other mode of communication such as those used by deaf or blind parents. (2) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and consent describes the activity. (3) The parent understands that the granting of consent is voluntary on the part of the parent.

Least Restrictive Environment - means each state educational agency shall insure that to the maximum extent appropriate, handicapped children are educated with children who are not handicapped and that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Primary Language - means the language other than English normally used by the parent in the home in the case of a pupil, the language other than English first learned by the pupil or the language normally used by the pupil in the home environment.

Public Law 94-142 - means, the Education for All Handicapped Children Act, is legislation passed by the United States Congress and into law by President Gerald R. Ford on November 29, 1975. The "94" indicated that this law was passed by the 94th Congress. The "142" indicated that this law was the 142nd law passes by the 94th Congress to be signed into law by the President.

Related Services - means transportation and such developmental corrective and other support services are required to help a handicapped child benefit from special education. This includes speech pathology and audiology, psychological services, physical and occupational therapy, early identification and assessment of handicapped conditions in children, school social work services, counseling services (including parent counseling and training, providing parents with information about child development and assisting parents in understanding the special needs of their child), and medical services for diagnostic or evaluation purposes.

School District Governing Board - means (also includes County Boards of Education) that group of citizens elected by qualified voters, or legally appointed, within a legally constituted school district or county to serve in the policy-making, budget approval, and employer-of-record functions.

Section 504 - means the basic civil rights provision with respect to terminating discrimination against America's handicapped citizens. No otherwise qualified handicapped individual in the United State shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Rehabilitation Act of 1973, P.L. 93-112).

Search - means those seeking-out activities which include identification, location, screening, and referral, which may lead to assessment of an individual who may be in need of special education services.

Special Education - means as specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

State Plan - means an official document approved by the State Board of Education, State Governor, and U.S. Commissioner of Education, describing the long range plans for effectively administering the annual state allocation granted by Congress under any of its Acts.

APPENDIX B

SPECIAL EDUCATION LAWS

P.L. 91-230, Amendments to the Elementary and Secondary Education Act (ESEA), repealed Title VI of the ESEA and created, as of July 1, 1971, the Education of the Handicapped Act, Part B of that Act authorized grants to the States and jurisdictions of the States to assist them in initiating, expanding and improving programs for the education of handicapped children.

P.L. 93-380 (Mathias Amendment) declared education for the handicapped to be a national emergency. This was the first entitlement for handicapped persons 3 to 21 year of age in each state.

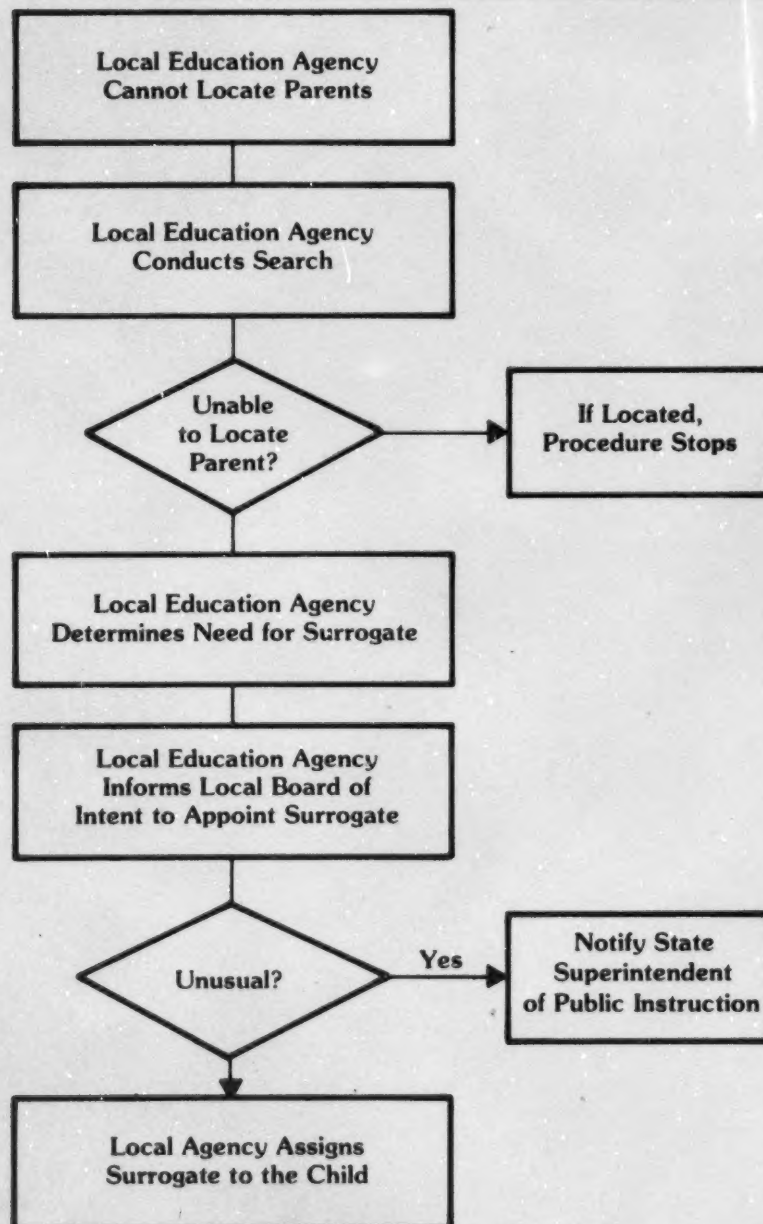
P.L. 93-112 (Rehabilitation Act of 1973), with the enactment of Section 504, represents the first federal civil rights law protecting the rights of handicapped persons and reflects a national commitment to end discrimination on the basis of handicap.

P.L. 94-142 amends and considerably strengthens P.L. 93-380: "It is the purpose of this Act to assure that all handicapped children have available to them, within the time periods specified in Section 612(2)(B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assist and assure the effectiveness of efforts to educate handicapped children."

(AB 1250, 1976): "It is the intent and purpose of the Legislature in enacting this article to provide special education facilities and services to exceptional children who, because the school district has no appropriate special education facilities and services or they cannot meet the requirements of the individualized education program, or because the State of California has no facilities to educate them, are unserved by this state's school system or by state institutions or agencies. It is the further intent and purpose of the Legislature to provide the Department of Education with board administrative discretion, consistent with the needs of exceptional children and the intent of this article, in carrying out its responsibilities under this article. The Superintendent of Public Instruction may adopt rules and regulations consistent with this article which he deems necessary for the effective administration thereof."

APPENDIX C

PROPOSED PROCEDURE FOR SELECTION OF A SURROGATE PARENT



APPENDIX D

PROPOSED INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT PROCESS TO ASSURE COMPLIANCE WITH E.C. SECTIONS 56330 (a), (b), (i); 56336-56341 AND WITH PL 94-142 AND CAC TITLE 5, SECTIONS 3100 et-seq AND 3300 et seq

